

TOWNSHIP OF WALL
ORDINANCE NO. 5 - 1995

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING AND SUPPLEMENTING CHAPTER XIV, "LAND USE AND DEVELOPMENT", OF "THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WALL, 1977", AS AMENDED AND SUPPLEMENTED, REPEALING ORDINANCE NO. 42-1991 AND REINSTATING A ZONING DESIGNATION CREATED BY ORDINANCE NO. 5-1990.

WHEREAS, on August 15, 1990, the Township Committee adopted Ordinance No. 5-1990, which Ordinance provided for the creation of the "ML-3-SF, Mt. Laurel-3, Single Family Zone" in the Township, and further provided for the inclusion of Lots 16 and 18 in Block 977 in said zone; and

WHEREAS, the aforesaid Ordinance was designed to effect a portion of the Wall Township Mt. Laurel Compliance Plan pursuant to the terms of an Order entered by Honorable Eugene D. Serpentelli, A.J.S.C. in the matter of Cove Industries, Ltd. v. Wall Township and related Mt. Laurel cases, under Docket No. L-51262-84; and

WHEREAS, on December 18, 1991, the Township Committee adopted Ordinance No. 42-1991 which Ordinance repealed Ordinance No. 5-1990 and rezoned the property in question to "RR-Rural Residential", as said zoning existed on the zoning map of the Township prior to the adoption of Ordinance No. 5-1990; and

WHEREAS, the aforesaid Ordinance No. 42-1991 was adopted as a result of the developer's failure to comply with the terms and conditions of the Order previously entered by the

court; and

WHEREAS, the developer challenged the validity of Ordinance No. 42-1991 by way of appeal to Honorable Eugene D. Serpentelli, A.J.S.C.; and

WHEREAS, the court entered an Order directing the Township to repeal Ordinance No. 42-1991 and reinstate the Mt. Laurel zoning on the property, which decision was appealed by the Township to the Appellate Division of Superior Court; and

WHEREAS, the Appellate Division of Superior Court has entered a decision affirming the aforesaid Order and requiring the Township to reinstate the subject property as part of the Township's Mt. Laurel Compliance Plan;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wall, in the County of Monmouth, State of New Jersey, as follows:

Section 1. Ordinance No. 42-1991 of the Township of Wall, finally adopted by the Township Committee on December 18, 1991, be and the same is hereby repealed.

Section 2. Block 977, Lots 16 and 18, consisting of approximately 50.40 acres, is hereby rezoned from "RR-Rural Residential" to "ML-3-SF, Mt. Laurel-3 Single Family Zone", as part of the Township's Mt. Laurel Compliance Plan and as said zoning was embodied in Ordinance No. 5-1990 of the Township of Wall, which Ordinance is hereby reinstated in its entirety.

Section 3. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance, be and the

same are hereby repealed to the extent of such inconsistency.

Section 4. Should any section, paragraph, clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 5. This Ordinance shall take effect upon its passage and publication according to law.

NOTICE

Notice is hereby given that the forgoing ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on February 8, 1995 and will be further considered for final passage and adoption at the Wall Township Municipal Building 2700 Allaire Road, Wall Township, New Jersey, on February 22, 1995 at 8:00 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office in the Township of Wall, to the members of the general public who shall request same.

BEATRICE M. GASSNER, C.M.C.
Township Clerk